

# **Davidson S.W.I.M. Stream Buffer Ordinance**

## **June 2001**

### **A. Purpose**

The purposes of a stream buffer are to ensure that streams and the adjacent lands fulfill their natural functions, to protect the physical integrity of the stream ecosystem, to prevent encroachment upon stream ecosystems, and to filter runoff before detrimental material reaches the stream.

### **B. Stream Buffers and Stream Buffer Management Zones**

Stream buffers are required for all stream segments where the upstream drainage basin is greater than or equal to 50 acres. The Town of Davidson shall maintain a stream buffer map that clearly identifies the stream segments to which stream buffers shall be applied. This map will be revised as additional data are obtained. This map shall be available to the public in both a printed version and in an appropriate software file.

On each side of the stream, a stream buffer shall begin at the edge of the stream channel and extend perpendicular to the stream a distance equal to the lesser of 100 feet or to a ridge line which changes the runoff flow to be away from the stream.

A stream buffer shall be divided into three stream buffer management zones, each of which has different permitted land uses. Each zone shall be identified on any final subdivision plat.

The streamside zone is the 30 feet of stream buffer nearest the stream channel, measured from the bank. If the stream buffer is at most 30 feet wide, then the entire stream buffer falls within the streamside zone. With the exceptions noted in C below, land uses within the streamside zone are limited to flood control and stream bank stabilization; otherwise, land disturbances and vegetation clearing are prohibited. No buildings are permitted within the streamside zone.

The managed use zone immediately follows the streamside zone to a maximum width of 45 feet. If the stream buffer is greater than 30 feet but at most 75 feet wide, then the stream buffer consists of the 30 feet of streamside zone followed by the residual as the managed use zone. With the exceptions noted in Section C below, land uses within the managed use zone are limited to storm water best management practices, passive recreation uses such as greenway trails and bicycle paths and other land uses consistent with maintaining the natural topography and vegetation. No buildings are permitted within the managed use zone.

The upland zone immediately follows the managed use zone to a maximum width of 25 feet. If the stream buffer is greater than 75 feet but at most 100 feet wide, then the stream buffer consists of 30 feet of streamside zone followed by 45 feet of managed use zone followed by the residual as upland zone. With the exception noted in C below, land uses within the upland zone are limited to storm water best management practices; passive recreation uses

such as greenway trails and bicycle paths, which may be built with impervious materials; and other land uses consistent with maintaining the natural topography and managing the natural vegetation, residential grass cover, or agricultural grasses. Only small storage buildings are permitted in the upland zone.

**C. Exceptions to the Prescribed Land Management Practices within the Stream Buffer Management Zones**

1. The following land uses are permitted within the stream buffers subject to the requirement that the lands adjacent to these uses that are disturbed as a result of these land uses are stabilized and replanted with native vegetation:
  - a. Near perpendicular (75° or greater) roadway or driveway stream crossings approved by the rest of this ordinance;
  - b. Near perpendicular (75° or greater) utility stream crossings approved by the rest of this ordinance;
  - c. Parallel utility installation approved by the rest of this ordinance;
  - d. Near perpendicular (75° or greater) stream crossings by greenway trails, bicycle paths, sidewalks, and other pedestrian path approved by the rest of this ordinance;
  - e. Near perpendicular (75° or greater) crossings for farm animals with fencing to minimize the animals' impacts upon stream buffers (do not require specific plan approval);
  - f. Narrow footpaths constructed with minimal vegetation disturbance that permit the landowner to walk to the stream (do not require specific plan approval);
  - g. Incidental drainage improvements or repairs for maintenance (do not require specific plan approval);
  - h. Newly created ponds or lakes (do not require specific plan approval). (New ponds shall have the same buffers as the original creek, except that tree planting will not be required. Buffer requirements will not apply to dams.); and
  - i. Mitigation approved by a State or Federal agency acting under Sections 401 or 404 of the Clean Water Act.
2. Other land uses within the stream buffers may be approved as part of a development plan subject to the requirement that the landowner demonstrate that the net result of the land use and strategy to mitigate the impact of the land use

provide at least the same protection to the stream's water quality and ecological integrity.

3. The continuation of existing agricultural uses.